

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference EX04-072C-PC	FOR FURTHER ACTION	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/US04/39549	International filing date (<i>day/month/year</i>) 23 November 2004 (23.11.2004)	(Earliest) Priority Date (<i>day/month/year</i>) 24 November 2003 (24.11.2003)
Applicant EXELIXIS, INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☒ Unity of invention is lacking (See Box II).

4. With regard to the title,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the abstract,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. _____



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/39549

Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)

This international report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claim Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claim Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claim Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of Item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:
Please See Continuation Sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: 1-19

Remark on Protest

☐
☐

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/39549

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : C12N 33/53
US CL : 435/7.1

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
U.S. : 435/7.1

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
USPGPUB, USPAT, EPO, DERWENT, MEDLINE, CAPLUS, SCISEARCH

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2003/0108937 A (WILLIAMSON et al) 31 October 2001 filing. Paragraphs 0009,0011,0016,0052,0057-0080,0096,0303,0304,0083	1-4 and 6-19
X	US 2002/ 0015943 A1 (BEINZ et al) 27 July 2001 filing date. Paragraphs 0015,0039,0104,0048,0067,0013,0072,0041,0005, 0072,0002-0005,0055	1-4.7.8.11.16-19
Y	HUDZIAK, R. et al Resistance of Morpholino Phosphorodiamidate Oligomers to Enzymatic Degradation. Antisense Nucleic Acid Drug Dev. 1996, Vol. 6, No. 4, pages 267-272, see entire document.	1,8,10
Y	ANGELES et al. Enzyme-linked Immunosorben Assay for trkA Tyrosine Kinase Activity. Analytical Biochemistry. 1996, Vol. 236, pages 49-55, see entire document.	1-5

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

* Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

21 November 2005 (21.11.2005)

Date of mailing of the international search report

01 FEB 2006

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (571) 273-3201

Authorized officer

Anthony Caputo

Telephone No. (571) 272-1600

INTERNATIONAL SEARCH REPORT

PCT/US04/39549

BOX II. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING

The inventions listed as Groups I- III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

1-19, drawn to a method of identifying a candidate beta catenine modulating agent.

20-22, drawn to a method of modulating pathway activity

23-25, drawn to a method for diagnosing a disease

The first claimed invention (claims 1-19) is drawn to a method of identifying a candidate beta catenin modulating agent. The first invention fails to share a technical feature with the other claimed inventions: claims 20-22, drawn to a method of modulating beta catenin pathway with an agent that binds PLK, and claims 23-25, drawn to a method for diagnosing a disease using a probe for PLK expression. Methods II and III do not share method steps with Invention I, and PLK polypeptides or nucleic acids are not required as for Invention I. Therefore, unity of invention is lacking.